

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

<b>The National Federation of the Blind, et al.,</b>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:18-cv-01568
	)	
<b>UNITED STATES OF AMERICA, et al.,</b>	)	
	)	
Defendants.	)	

**DECLARATION OF RANDOLPH WILLS**

I, Randolph Wills, hereby make the following declaration with respect to the above-captioned matter:

1. I am the Deputy Assistant Secretary for Enforcement in the U.S. Department of Education (the Department), Office for Civil Rights (OCR), in Washington, D.C. My current work address is 400 Maryland Avenue, SW, Washington, D.C. 20202.
2. OCR employs nearly 600 employees in its headquarters and its 12 regional enforcement offices around the country. I oversee the work of the enforcement offices.
3. I am aware of litigation against the Department in the above-referenced matter and am aware of the allegations in both Plaintiffs' Amended Complaint and their Second Amended Complaint.
4. I make this declaration on the basis of personal knowledge and information made available to me in the course of my official duties.

**Actions Taken Since December 2018**

5. In November 2018, the Assistant Secretary for Civil Rights, Kenneth L. Marcus, directed me to do the following:
  - a. Send letters to the five complainants<sup>1</sup> whose web accessibility complaints were dismissed under sections 108(t) and 108(k) -- because of a prior 108(t) dismissal -- explaining that OCR will be initiating a directed investigation into the allegations raised in their complaints, and that OCR has published a revised CPM<sup>2</sup>;
  - b. Send letters to the recipients that were named in the web accessibility complaints dismissed under sections 108(t) and 108(k)-- because of a prior 108(t) dismissal --, and attended one of the three webinars held in May and June 2018, informing each recipient that OCR will open a directed investigation in June 2019 to determine if the allegations in the complaints have been resolved<sup>3</sup>; and
  - c. Send letters each month, beginning the week of December 3, 2018<sup>4</sup> until April 2019, to a cohort of approximately 115 recipients named in the web accessibility complaints dismissed under sections 108(t) and 108(k)-- because of a prior 108(t) dismissal --that did not attend one of the three webinars held in May and June 2018, informing the recipients that OCR will initiate a directed investigation shortly thereafter to investigate the allegations raised in the dismissed complaints. The final letters opening directed investigations will be sent in April 2019.
6. Between January 25, 2019 and January 31, 2019, I directed OCR's regional offices to send letters to the second cohort of 109 recipients named in the complaints dismissed under 108(t) and 108(k) that did not attend one of the three webinars, informing the

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<sup>1</sup> One of these complainants also filed with OCR eighteen (18) complaints alleging discrimination on the basis of disability in housing, which were dismissed under section 108(t). OCR informed the complainant that it is evaluating these complaints to determine whether to open them as directed investigations or take other appropriate action.

<sup>2</sup> See Exhibit E to the Declaration of Kenneth L. Marcus dated December 6, 2018.

<sup>3</sup> See Exhibit F to the Declaration of Kenneth L. Marcus dated December 6, 2018.

<sup>4</sup> See Exhibit G to the Declaration of Kenneth L. Marcus dated December 6, 2018.

recipients that OCR is opening a directed investigation into the allegations in the dismissed complaints.

7. Attached as Exhibit A hereto are true and correct copies of the letters sent to two recipients that did not attend one of OCR's webinars as referenced in paragraph 6.

2/11/2019  
Date

Randolph Wills  
Randolph Wills